

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)

)
Petition of AT&T Corporation for)
Forbearance Under 47 U.S.C. Section 160(c) from)
Enforcement of "Deemed Lawful" Provision of)
Section 204(a)(3) of the Communications Act of)
1934, as Amended)

WC Docket No. 03-256

ORDER

Adopted: October 21, 2004

Released: October 21, 2004

By the Chief, Wireline Competition Bureau:

1. In this Order, pursuant to section 10(c) of the Communications Act of 1934, as amended (the Act),¹ we extend by 90 days the date by which the petition requesting forbearance filed by AT&T Corporation (AT&T) shall be deemed granted in the absence of a Commission decision that the petition fails to meet the standards for forbearance under section 10(a) of the Act.²

2. On December 3, 2003, AT&T filed a petition requesting the Commission to forbear from enforcing of section 204(a)(3) of the Act, which provides that certain streamlined local exchange carrier access tariff filings are "deemed lawful."³ AT&T argues that forbearance is warranted because that provision of the statute improperly "precludes customers from seeking reparations through the complaint process under Sections 206-208 of the Act."⁴

3. Section 10(c) of the Act states that a petition for forbearance shall be deemed granted if the Commission does not deny the petition for failure to meet the requirements for forbearance under section 10(a) within one year after the Commission receives it, unless the one-year period is extended by the Commission.⁵ The Commission may extend the initial one-year period by an additional 90 days if it finds that an extension is necessary to meet the requirements of section 10(a).⁶

4. The petition under review raises significant questions regarding whether forbearance from application of section 204(a)(3) of the Act meets the statutory requirements set forth in section

¹ 47 U.S.C. § 160(c).

² 47 U.S.C. § 160(a).

³ 47 U.S.C. § 204(a)(3).

⁴ *AT&T Petition for Forbearance* (filed Dec. 3, 2003) at 1. See also *Pleading Cycle Established for AT&T's Petition for Forbearance from Enforcement of "Deemed Lawful" Provision of Section 204(a)(3) of the Act*, WC Docket No. 03-256, Public Notice, DA 03-476 (Wireline Comp. Bur. Dec. 24, 2003).

⁵ 47 U.S.C. § 160(c).

⁶ *Id.* See, e.g., *Petition of Ameritech Corporation for Forbearance from Enforcement of Section 275(a) of the Communications Act of 1934, As Amended*, CC Docket No. 98-65, Order, 14 FCC Rcd 6415 (Com. Car. Bur. 1999).

10(a).⁷ Thus, the Bureau finds that a 90-day extension is warranted under section 10(c).⁸

5. Accordingly, IT IS ORDERED, pursuant to section 10 of the Communications Act of 1934, as amended, 47 U.S.C. § 160, and authority delegated under sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, that the date on which the petition seeking forbearance filed by AT&T shall be deemed granted, in the absence of a Commission denial of the petition for failure to meet the statutory standards for forbearance, is extended to March 2, 2005.

FEDERAL COMMUNICATIONS COMMISSION



Jeffrey J. Carlisle
Chief, Wireline Competition Bureau

⁷ 47 U.S.C. § 160(a).

⁸ 47 U.S.C. § 160(c).